

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

## STAFF REPORT

Hearing Date/Agenda Number  
P.C. 6/12/02

File Number  
PDC02-010

Application Type  
Planned Development Rezoning

Council District  
1

Planning Area  
West Valley

Assessor's Parcel Number(s)  
303-25-026, 303-25-028 (portion), 303-25-045 (portion)

### PROJECT DESCRIPTION

Completed by: **Darren McBain**

Location: East side of Saratoga Avenue approximately 400 feet southerly of Kiely Avenue

Gross Acreage: 2.7

Net Acreage: 2.7

Net Density: 27 DU/AC

Existing Zoning: R-M Residence and CO  
Commercial Office

Existing Use: 36 multi-family attached residential units and an approximately  
3,000-square-foot commercial building

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 74 multi-family attached residential units

### GENERAL PLAN

Completed by: **DM**

Land Use/Transportation Diagram Designation  
Medium High Density Residential (12-25 DU/Acre)

Project Conformance:  
☒ Yes   ☐ No  
☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: **DM**

North: Hotel

A(PD) Planned Development

East: Apartments

R-M Residence District

South: Private school (Harker School)

R-1-5 Residence District

West:: Commercial retail

CN Commercial District

### ENVIRONMENTAL STATUS

Completed by: **DM**

☐ Environmental Impact Report found complete  
☒ Negative Declaration circulated on May 20, 2002  
☐ Negative Declaration adopted

☐ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: **DM**

Annexation Title: Boynton No. 40

Date: July 6, 1971

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval  
☐ Approval with Conditions  
☐ Denial  
☐ Uphold Director's Decision

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
☐ Action  
☒ Recommendation

### APPLICANT/DEVELOPER/OWNER

Sobrato Development Company  
10600 North De Anza Boulevard #22  
Cupertino, CA 95014

**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: DM

**Department of Public Works**

See attached memo

**Other Departments and Agencies**

N/A

**GENERAL CORRESPONDENCE**

None received.

**ANALYSIS AND RECOMMENDATIONS****BACKGROUND**

The applicant, Sobrato Development Company, is proposing to rezone a 2.7-gross-acre site from R-M Residence and CO Commercial Office Zoning Districts to A(PD) Planned Development. The rezoning would allow demolition of 36 existing apartments and an approximately 3,000-square-foot commercial building, and construction of up to 74 apartments. The project site includes a portion of the existing, 220-unit “La Terraza” apartment complex and the vacant former Avco office building located on an adjacent parcel. The existing complex has access from Saratoga Avenue and Northlake Drive. The apartments and the Avco building were built in 1973 and 1968, respectively. The surrounding land uses consist of a hotel to the north, the balance of the La Terraza apartment site to the east, the Harker private school to the south, and various commercial retail land uses across Saratoga Avenue to the west.

**PROJECT DESCRIPTION**

The proposed project consists of 74 attached, garden townhouse-style, two- and three-bedroom rental units with two stories of living space over a private two-car tandem garage. The units are arranged in small clusters with garage doors facing the driveway that provides access from Saratoga Avenue through the overall La Terraza complex. Pedestrian entrances to the units is taken from paseos (landscaped walkways) that are separate from the driveway. In addition to the private garages, 54 common, surface parking spaces are provided on the site. A swimming pool and adjacent 2,100-square-foot, free-standing recreation building is also included in the proposed site plan.

**ENVIRONMENTAL REVIEW**

An Initial Study was prepared for this project and a Negative Declaration was circulated for public review by the Director of Planning on May 20, 2002. The primary issue that was addressed in the environmental review was the potential impact of road noise from Saratoga Avenue on future residents of the proposed units. Other issues that were examined included the project’s potential impacts on traffic and the removal of existing trees. The project includes mitigation measures that will reduce any

potentially significant impacts to a less-than-significant level. The following discusses each of the specific environmental issues in detail.

### Noise

A noise report prepared for the project by a qualified noise consultant included project-specific recommendations for windows, doors, and general construction best management practices for the building shell. With the inclusion of these mitigation measures in the project, the impact of road noise on the interiors of the proposed units will be reduced to a less-than-significant level (60 dB DNL) and will conform to the General Plan's noise standards for new residential projects.

The noise report also includes recommendations to construct 6-foot-high patio walls along Saratoga Avenue. The patio walls will reduce exterior noise to a less-than-significant level for the units whose private open spaces are located along the project's street frontage. Although the noise levels in the private yards for these seven units will still exceed the noise standards recommended in the City's General Plan by 7 dB DNL the General Plan also recognizes that it is not always possible to achieve the recommended standards for exterior noise when units are located along a major thoroughfare such as Saratoga Avenue, or near other sources of substantial noise. The higher patio walls and other recommended mitigation measures will reduce exterior noise as much as possible, and staff considers the proposed configuration to be in conformance with the intent of the General Plan's noise standards. It should also be noted that the row of units facing Saratoga Avenue will help block road noise from "entering" the rest of the project site.

### Traffic

The Public Works Department completed an in-house traffic analysis for the proposed net gain of 38 apartment units, and estimated that the project will generate approximately 14 additional peak-hour trips. Based on this estimate, the Director of Public Works determined that the potential impact on nearby signalized intersections will be negligible, and concluded that the project will conform to the City's Transportation Level of Service (LOS) Policy. No additional traffic study was required.

### Trees

The tree survey identified 28 trees on the site, 13 of which are ordinance-size (greater than 56 inches in circumference). All except one ordinance-size tree and one smaller tree are proposed to be removed. However, because all of the trees are non-native species such as Canary Pine trees, Palm trees, and Japanese privet trees, the loss of these trees was not considered a significant environmental impact. Mitigation at established replacement rates has been included in the project to offset the removal of these trees. Opportunities to preserve or relocate some of the existing trees will be examined at the subsequent Planned Development Permit stage.

## **GENERAL PLAN CONFORMANCE**

The proposed project has a net density of 27 dwelling units per acre (DU/AC). The site's General Plan Land Use/Transportation Diagram designation is Medium High-Density Residential (12-25 DU/AC). The proposed project conforms to the General Plan by use of the General Plan's Discretionary Alternate Use Policy pertaining to rental housing projects. This policy encourages production of rental housing by allowing rental units to be approved within the next higher density range (in this case, 25-50 DU/AC) in the context of a Planned Development Rezoning. Use of this policy precludes conversion to

condominiums or other ownership of the individual units for a minimum period of twenty years. This rezoning is appropriately conditioned.

## ANALYSIS

The primary issue concerned in the proposed rezoning is conformance to the City's *Residential Design Guidelines* (RDGs), including site design and architecture. Based on the following analysis, staff concludes that the proposed project is in substantial conformance with the intent of the development standards recommended in the RDGs with regard to setbacks, parking, open space, and architectural design.

### Site Design

For purposes of RDG conformance, the proposed units were reviewed in the context of the garden townhouses standards. Garden townhouses are typically developed with the "fronts" of units oriented towards a common open space and the unit entrances or front door accessed via a small, semi-enclosed private patio area. The garage doors for such units are located on the opposite side of unit and are oriented towards alleys that are largely out of view for anyone except the individual residents.

The basic intent of this project is to create a rental unit that, with a private yard and garage, has a more ownership-like character than most traditional apartments. Given this goal, one of the challenges posed by this location is that the two access driveways to the 184 remaining apartment units extend through the site, making the proposed units highly visible to the residents of the overall site. It would be highly desirable to have these long driveways be a pleasant pedestrian environment, with walkways, substantial landscaped areas, and porches/entryways placed between the driveways and the units. However, the difficulty with that conceptual approach is the amount of surface area that is needed to provide an adequate amount of landscaping, walkways, and other amenities for the driveways to truly look and feel more like streets.

In this case, the developer has opted instead to emphasize the pedestrian-oriented aspects of the project, including walkways, landscaping, and private front patios on the opposite sides of the units, away from the driveway. The inherent disadvantage of this approach is that the view from the long driveways is one of a procession of garage doors with fewer opportunities for landscaping, visual interest, or "walkability" in this particular area of the project. However, a significant advantage of the proposed layout is that the paseos and private patios are more internalized and buffered from the relatively heavily traveled driveway, making them more desirable and usable to the residents. Good pedestrian linkages are proposed between the building clusters, and an adequate amount of landscaping and building articulation is being provided along the main driveway to help enliven what could otherwise be a monotonous feature of the site. Based on these considerations, it is staff's opinion that the proposed site design responds well to the site constraints and is appropriate for this location.

*Setbacks:* The design of the proposed buildings includes a front setback that varies from 15 to 20 feet behind the property line on Saratoga Avenue. While the RDGs recommend a 35-foot front setback from major public streets, a reduced setback is permissible in order to maintain a consistent development pattern with adjacent development in established areas. It is staff's opinion that the proposed setback will be adequately consistent with the assortment of commercial land uses in the immediate vicinity of the site. The possibility of angling Building 1 to obtain a slightly larger front setback will be evaluated at the Planned Development Permit stage.

The units are set back approximately 22 feet from the adjacent hotel and private school sites, which is consistent with the RDGs' recommended 10-foot minimum setback from non-residential uses. Likewise, the 15-foot rear setback where the project backs up to the rest of the remaining La Terraza apartments is an adequate amount of separation to avoid privacy conflicts or other concerns.

#### Common Open Space

The RDGs recommend at least 150 square feet of common open space per unit for garden townhouses. The proposed area of common open space (including the recreation building and pool area, but not the front setback) averages about 500 square feet per unit. The common open space areas have a minimum dimension of 15 feet in width, and are distributed in a way that helps create strong linkages between various sections of the project area and between the proposed and existing units.

#### Private Open Space

The RDGs recommend that garden townhouse projects should provide at least 300 square feet of private open space per unit, typically in the form of an enclosed patio on the front of the unit. However, garden townhouses are usually developed as a "single-family" (i.e., owner-occupied) unit type. In contrast, cluster housing, which is the unit type usually associated with rental housing, only requires 60 square feet of open space per unit, the rationale being that owners' and renters' expectations regarding private open space are somewhat different from each other. The applicant is proposing relatively small private patios with a minimum size of 100 square feet. Given the substantial amount of common open space in this project and its connectivity with the private open spaces, as well as the other amenities on the site (recreation building and pool), it is staff's opinion that the future residents' private open space needs will be well met. However, one disadvantage of the proposed layout is that the private open spaces are not directly accessible from the second-floor living or dining area of the units; the residents must go down a half-flight of steps to have access to the patio.

*Parking:* Per the parking ratios suggested in the RDGs, each of the units is required to provide 2.7 parking spaces (two-bedroom units) or 2.8 parking spaces (three-bedroom units). These ratios are somewhat higher than they would be for most other rental apartment projects because the units have private two-car garages. Private, enclosed garage spaces are often used for storage of personal belongings in addition to or instead of vehicle parking, while the common, open parking garages at most apartment building do not lend themselves to storage in the same way. A total of 54 uncovered, guest parking spaces are provided on the site, bringing the total number of spaces into conformance with the RDG parking recommendations. The existing La Terraza units that are outside of the scope of the project are considered legal nonconforming for purposes of parking, i.e., they were legally constructed when the parking requirements were lower than they are today. Although the remaining units will continue to be "under-parked" by today's Code requirements, this project includes no reduction in the number of parking spaces available or parking ratios for the remaining units.

#### Architecture

This project consists of three-story buildings with two stories of living space over a private garage and entryway. The style, materials, scale, and character of the proposed structures are compatible with the existing development in the neighborhood. Staff considers the proposed units to be a significant improvement over the relatively minimalist, boxy, and somewhat dated appearance of the existing units. The new look of the complex is expected to present a more attractive and contemporary appearance to the street.

As noted above, the architectural treatment on the driveway elevations is of some concern, given the

lengths of the driveways and the fact that residents of the entire La Terraza complex will pass through the project site in order to reach their homes. The applicant has taken steps to address this concern with the use of plane changes, pop-outs, and sloped roof elements, to create additional visual interest in this portion of the site. At the Planned Development Permit stage, staff will work with the applicant to identify other possible measures to reduce the perceived height and repetition of some of the building elements.

## **PUBLIC OUTREACH**

Notices for the Mitigated Negative Declaration and the public hearings before the Planning Commission and City Council were distributed to owners and tenants of all properties within 500 feet of the subject site. A notice of the rezoning was also published in the San Jose post Record, in accordance with the City Council's Public Outreach Policy. Staff has been available to discuss the project with interested members of the public.

## **RECOMMENDATION**

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed rezoning conforms to the subject site's General Plan Land Use/Transportation Diagram designation of Medium High-Density Residential (12-25 DU/AC) by use of the Discretionary Alternate Use Policy that provides for a density bonus for rental housing.
2. The proposed project substantially conforms to the *Residential Design Guidelines*.
3. The project furthers the goals and objectives of the City's in-fill housing strategies.
4. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.